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Attorneys for Defendant and
 Counterclaim-Plaintiff
 ARIOSIA DIAGNOSTICS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

VERINATA HEALTH, INC.,
 Plaintiff and
 Counterclaim-Defendant,

vs.

ARIOSIA DIAGNOSTICS, INC.,
 Defendant and
 Counterclaim-Plaintiff.

ILLUMINA, INC.,
 Plaintiff and Counterclaim-
 Defendant

vs.

ARIOSIA DIAGNOSTICS, INC.,
 Defendant and Counterclaim-
 Plaintiff.

) Lead Case No. 3:12-cv-05501-SI
) Case No. 3:14-cv-01921-SI
) Case No. 3:15-cv-02216-SI
)

) **DECLARATION OF SANDRA L.**
) **HABERNY IN SUPPORT OF ARIOSIA**
) **DIAGNOSTICS, INC.’S RENEWED**
) **MOTIONS FOR JUDGMENT AS A**
) **MATTER OF LAW UNDER RULE 50(b)**
) **AND MOTIONS FOR NEW TRIAL**
) **UNDER RULE 59 AND MOTION FOR**
) **JUDGMENT UNDER RULES 52(a) AND**
) **(c)**

) Judge: Hon. Susan Illston

) Date: April 6, 2018
) Time: 9:00 am
) Ctrm.: 1, 17th Floor

1 ILLUMINA, INC.,)
2)
3 Plaintiff and Counterclaim-)
4 Defendant)
5 vs.)
6 ARIOSIA DIAGNOSTICS, INC. and ROCHE)
7 MOLECULAR SYSTEMS, INC.,)
8)
9 Defendants and Counterclaim-)
10 Plaintiffs.)
11)
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DECLARATION OF SANDRA L. HABERNY

I, Sandra Haberny, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Defendant and Counterclaim Plaintiff Ariosa Diagnostics, Inc. (“Ariosa”) in the above-captioned action. I am a member in good standing of the State Bar of California. I submit this Declaration in support of (1) Ariosa’s Renewed Motion for Judgment as a Matter of Law Under Rule 50(b) and Motions for New Trial Under Rule 59 on Issues for Which Ariosa Bore the Burden of Proof, (2) Ariosa’s Renewed Motion for Judgment as a Matter of Law Under Rule 50(b) and Motions for New Trial Under Rule 59 on Issues for Which Plaintiff Bore the Burden of Proof, and (3) Ariosa’s Motion for Judgment Under Rules 52(a) and (c). I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from Volumes 1-9 of the Trial Transcripts of Proceedings.

3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the transcript of the deposition of Dr. Gregory Cooper, a recording of which was admitted as Trial Exhibit 1666.

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the transcript of Dr. Gregory Cooper, a recording of which was admitted as Trial Exhibit 1667.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the Pretrial Conference Hearing in the above-captioned proceedings which took place on December 20, 2017.

6. Attached hereto as Exhibit 66 is a true and correct copy of excerpts from Trial Exhibit 66, Ariosa Diagnostics’ Standard Operating Procedure, SP-00437, Rev. 2.1 [Zahn 149], bates stamped SOP00006463-SOP00006480.

7. Attached hereto as Exhibit 461A is a true and correct copy of Trial Exhibit 461A, Sparks, Andrew B. et al., “Noninvasive prenatal detection and selective analysis of cell-free DNA obtained from maternal blood: evaluation for trisomy 21 and trisomy 18,” American Journal of Obstetrics & Gynecology [Zahn 154].

8. Attached hereto as Exhibit 493 is a true and correct copy of excerpts from Trial Exhibit 493, Tandem Diagnostics Investor Update to Illumina presentation [Song 90], bates stamped ILMNA00241191-ILMNA00241219.

9. Attached hereto as Exhibit 507A is a true and correct copy of Trial Exhibit 507A, U.S. Patent Application Publication No. US 2009/0029377 [Shaffer 259].

10. Attached hereto as Exhibit 513 is a true and correct copy of Trial Exhibit 513, U.S. Patent No. 7,955,794 (Shen).

11. Attached hereto as Exhibit 514 is a true and correct copy of Trial Exhibit 514, U.S. Patent No. 8,318,430 (Chuu) [Bird 9].

12. Attached hereto as Exhibit 607 is a true and correct copy of Trial Exhibit 607, Ariosa Financials 2012 Q1 - 2014 Q3, bates stamped AD-VER-01165162.

13. Attached hereto as Exhibit 615 is a true and correct copy of Trial Exhibit 615, Sale and Supply Agreement between Illumina, Inc. and Aria Diagnostics, Inc., bates stamped ILMNA00223216-ILMNA00223239.

14. Attached hereto as Exhibit 727 is a true and correct copy of Trial Exhibit 727, U.S. Patent Application Publication No. US 2014/0342940.

15. Attached hereto as Exhibit 1044 is a true and correct copy of Trial Exhibit 1044, Straus, U.S. Patent 2002/0086289 A1, bates stamped AD-VER-01420642-AD-VER-01420688.

16. Attached hereto as Exhibit 1172 is a true and correct copy of excerpts from Trial Exhibit 1172, Email from Song to Harris; Naclerio, cc Stuelpnagel; DeVore re Tandem - Supply Agreement with attached clean and redlined version of Draft Memorandum of Understanding between Tandem and Illumina, bates stamped AD-VER-02012665-AD-VER-02012685.

17. Attached hereto as Exhibit 1175 is a true and correct copy of excerpts from Trial Exhibit 1175, Email from Harris to Song; Stuelpnagel; DeVore re Will Have Redline to You Later Today, with attached redlined Draft Memorandum of Understanding between Tandem and Illumina, bates stamped AD-VER-01272987-AD-VER-01272999.

18. Attached hereto as Exhibit 1177 is a true and correct copy of excerpts from Trial Exhibit 1177, Ariosa Diagnostics Presentation titled Tandem Diagnostics Investor Presentation to

1 Illumina, November 2011, bates stamped AD-VER-00032784-AD-VER-00032817 [Replaced
2 with Non-Bates Numbered Color Version].

3 19. Attached hereto as Exhibit 1655 is a true and correct photograph of Trial Exhibit
4 1655, which is a poster board of Hand Drawing on Cassettes.

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6 Executed on February 26, 2018, at Newport Beach, California.

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct.

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10 _____
11 */s/ Sandra Haberny*
12 Sandra L. Haberny
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